

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Thrivent Financial for Lutherans;  
Thrivent Life Insurance Company;  
Thrivent Balanced Fund; Thrivent Core  
Bond Fund; Thrivent Income Fund;  
Thrivent Limited Maturity Bond Fund;  
Thrivent Balanced Portfolio; Thrivent  
Bond Index Portfolio; Thrivent Limited  
Maturity Bond Portfolio; Thrivent  
Financial Defined Benefits Plan Trust;  
and Thrivent Financial for Lutherans  
Foundation,

Plaintiffs,

v.

Countrywide Financial Corporation;  
Countrywide Home Loans, Inc.;  
Countrywide Home Loans Servicing LP;  
CWALT, Inc.; CWMBS, Inc.; CWABS,  
Inc.; CWHEQ, Inc.; Countrywide  
Securities Corporation; Countrywide  
Capital Markets, LLC; Angelo Mozilo;  
David A. Sambol; Bank of America  
Corp.; BAC Home Loans Servicing,  
L.P.; NB Holdings Corporation;  
Residential Funding Company, LLC;  
Residential Accredit Loans, Inc.; GMAC  
Mortgage LLC; Residential Asset  
Mortgage Products, Inc.; Residential  
Funding Securities, LLC; Homecomings  
Financial, LLC; and Ally Bank,

Defendants.

Case No. 0:11-cv-01111 (SRN/TNL)

**ORDER GRANTING SEVERANCE  
AND REMAND OF THE “GMAC”  
DEFENDANT-RELATED CLAIMS  
TO STATE COURT**

Based upon the Stipulation between Plaintiffs and Defendants Residential Funding Company, LLC, Residential Accredit Loans, Inc., GMAC Mortgage LLC, Residential Asset Mortgage Products, Inc., Residential Funding Securities, LLC, Homecomings Financial, LLC, and Ally Bank (the “GMAC” Defendants”), IT IS HEREBY ORDERED:

- Plaintiffs’ claims against the “GMAC” Defendants are hereby severed from the claims against the Countrywide Defendants,<sup>1</sup> the Bank of America Defendants,<sup>2</sup> and individual Defendants Angelo Mozilo and David A. Sambol;
- The “GMAC” Defendants’ Motion to Sever (ECF No. 60), the Countrywide Defendants’ Motion to Sever and to Transfer (ECF No. 80), and the Bank of America Defendants’ Motion to Sever and to Transfer (ECF. No. 84) are hereby dismissed as moot;
- The Court currently lacks federal subject matter jurisdiction over Plaintiffs’ claims against the “GMAC” Defendants;
- The claims against the “GMAC” Defendants shall be remanded back to the District Court of the State of Minnesota, County of Hennepin, Fourth Judicial District, Case No. 27-CV-11-5830;

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<sup>1</sup> The Countrywide Defendants are Countrywide Financial Corporation, Countrywide Home Loans, Inc., Countrywide Home Loans Servicing, LP, CWALT, Inc., CWMBS, Inc., CWABS, Inc., CWHEQ, Inc., Countrywide Securities Corporation and Countrywide Capital Markets, LLC.

<sup>2</sup> The Bank of America Defendants are Bank of America Corp., BAC Home Loans Servicing, L.P. and NB Holdings Corporation.

- The briefing schedule set forth in the July 22, 2011 Order (ECF No. 59) is vacated and the hearing scheduled for September 30, 2011 is cancelled; and
- The parties shall each bear their own respective fees and costs with respect to the severance and remand of the claims against the “GMAC” Defendants.

Dated: August 26, 2011

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Court Judge